

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Berner *et al.*

SERIAL No.: 10/769,574

FILED: January 29, 2004

FOR: **GASTRIC RETENTIVE ORAL DOSAGE
FORM WITH RESTRICTED DRUG
RELEASE IN THE LOWER
GASTROINTESTINAL TRACT**

EXAMINER: Holt, Andriae M.

ART UNIT: 1616

CONFIRMATION No.: 8962

Amendment under 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Final Office Action mailed August 9, 2010 in the above-identified application. Accordingly, this response is timely filed on or before February 9, 2010 as it is accompanied by a separately enclosed petition for a three-month extension of time. As a precautionary matter, a Notice of Appeal is filed herewith.

Listing of Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.